

Application No. 09/733,640

**IN THE CLAIMS**

Please cancel claims 20-33, 35-37 and 40-47, without prejudice to their further prosecution in a divisional and/or continuation application.

Please amend claims 1 and 34 as follows:

*Sub C' R'*

1. (Twice Amended) A composition for controlled release of a bioactive agent, comprising:  
a biodegradable crystallizable polymer;  
a biodegradable amorphous polymer;  
a biocompatible solvent; and  
a bioactive agent,  
wherein the composition is multi-layered.

34. (Amended) A method of administering a bioactive agent, comprising:  
inserting a composition for controlled release of a bioactive agent into an organism,  
wherein the composition comprises:

*R2*

a biodegradable crystallizable polymer;  
a biodegradable amorphous polymer;  
a biocompatible solvent; and  
a bioactive agent, and  
wherein the inserting is by injecting.

Please add claims 48-57 as follows:

*R3*

48. The method of claim 34, wherein the solvent has a miscibility with water less than 7 percent by weight.

49. The method of claim 34, further comprising at least one biocompatible component solvent.

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50. The method of claim 34, further comprising an emulsifying agent.

~~51. The method of claim 34, wherein the composition is sterile.~~

~~52. The method of claim 34, wherein the biodegradable crystallizable polymer is a polyester.~~

~~53. The method of claim 34, wherein the biodegradable crystallizable polymer is poly( $\epsilon$ -caprolactone).~~

*B3*  
*com.*

54. The method of claim 34, wherein the biocompatible solvent is ethyl benzoate.

~~55. The method of claim 34, wherein the biodegradable amorphous polymer is a polyester.~~

56. The method of claim 34, wherein the biodegradable amorphous polymer is poly(D,L-lactide).

57. The method of claim 56, wherein the biodegradable crystallizable polymer is poly( $\epsilon$ -caprolactone) and the biocompatible solvent is ethyl benzoate.

#### SUPPORT FOR AMENDMENT

Claim 20 has been incorporated into claim 1. Claims 1 and 35 have been incorporated into claim 34. Claims 48-57 are supported by claims 2-8 and 17-19, respectively. Claims 20-33, 35-37 and 40-47 have been cancelled. No new matter has been added. Upon entry of this amendment claims 1-8, 17-19, 34, 38 and 48-57 are present and active in the application.

Attached herewith is a marked-up version of the changes made to the claims by this amendment. The attached page is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE."